

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00362

Ernesto Escobar,
Plaintiff,

v.

Henderson County Jail et al.,
Defendants.

Before BARKER, *District Judge*

ORDER

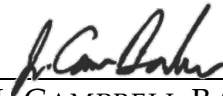
On August 5, 2019, plaintiff filed this lawsuit under 42 U.S.C. § 1983. Doc. 1. Pursuant to 28 U.S.C. § 636, the case was referred to United States Magistrate Judge K. Nicole Mitchell. Doc. 2. On August 8, 2019, the magistrate judge ordered Escobar to re-file his complaint on the court's standard form for § 1983 *pro se* complaints. Doc. 3.

Litigants, including prisoners, have a burden to notify the court of a change of address. *See* L.R. CV-11(d); *Garcia v. Texas Dep't of Criminal Justice*, No. 6:16-CV-01160-RC, 2019 WL 1254505, at *1 (E.D. Tex. Mar. 18, 2019) (quoting *Snyder v. Nolen*, 380 F.3d 279, 285 (7th Cir. 2004)). Accordingly, a copy of the order and two copies of the § 1983 form were mailed to Escobar at the address he provided to the court. On August 16, 2019, those documents were returned to the clerk's office marked as undeliverable. Doc. 4. Plaintiff has never re-filed his complaint.

On September 16, 2019, the magistrate judge issued a report recommending that this case be dismissed without prejudice for failure to prosecute and failure to obey a court order. Doc. 6. A copy of the report and recommendation was sent to plaintiff's last known address but again returned to the clerk's office marked as undeliverable. Doc. 7.

No objections have been filed to the report and recommendation. The report and recommendation is thus **adopted**. Fed. R. Civ. P. 72(b)(3). The complaint is **dismissed** without prejudice for failure to prosecute and failure to comply with a court order. Fed. R. Civ. P. 41(b). All motions not previously ruled on are **denied** as moot. The clerk of court is **directed** to close this case.

So ordered by the court on October 22, 2019.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge